



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,343	04/01/2004	Yoshiaki Sakagami	59406.00017	5345

32294 7590 09/28/2007
SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER

RICE, ELISA M

ART UNIT	PAPER NUMBER
----------	--------------

2624

MAIL DATE	DELIVERY MODE
-----------	---------------

09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/814,343	Applicant(s) SAKAGAMI ET AL.	
	Examiner Elisa M. Rice	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; ~~as set forth in (b)~~ above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-6.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 9/14/2007
13. ☐ Other: _____.

Attachment to Advisory Action

Paper No. 20070925

The information disclosure statement (IDS) submitted on September 14, 2007 was filed after the mailing date of the Final Action on July 13, 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Applicant's remarks filed on September 13, 2007 have been carefully considered, but are not convincing. Each of applicant's major points are addressed herein below.

Summary of Applicant's Response:

According to Applicant in the second paragraph of page 3, Kuno does not teach or suggest "human detecting means for detecting a human from the captured sound."

Examiner's Response:

The following excerpt is provided from the Kuno patent in column 28, starting at line 57: "The robot 5 can have a language analyzer which analyzes the subject's spoken words detected by the speech recognizer, and generates speech signals representing suitable verbal responses. The speech synthesizer converts these signals into aural responses, which the subject can understand." This is another instance in the Kuno patent of the "speech recognition device built in the robot 5." When the robot's microphone picks up

Art Unit: 2624

sounds coming from anywhere in the room and the sound matches up to the words stored in the language analyzer, the robot can be assured of the humanness of the subject. Thus, the robot has a built-in human detection means in the form of speech recognition unit.

Summary of Applicant's Response:

According to Applicant in the second paragraph of page 3, Kuno does not teach or suggest "a power drive unit for moving the robot toward the detected human."

Examiner's Response:

The robot of Kuno has a power drive unit that is responsible for moving the robot toward the detected human. Referring to the aforementioned speech recognition of Kuno, once the robot has recognized aural "approval," the robot then uses the power drive unit to move its hand towards the patient ("Upon receipt of the subject's approval.....automatically sends and aural, visual, or tactile messages to the subject, informing the subject that his or her image is about to be transmitted to the monitor section", column 25, line 44; "The robot 5 can move its arms and hands, touching the bed or the subject, thus giving a tactual message asking the subject if he or she agrees to be monitored.", column 24, line 6) to communicate to the patient that his or her image will now be transmitted to the physician in the console room.

Summary of Applicant's Response:

Art Unit: 2624

According to Applicant on the last paragraph of page 4, "the drive mechanisms incorporated in the robot 5 **are remote-controlled** by operating the monitor console of the monitor section 2. Thus, **under the control of the monitor section 2**, the robot 5 is moved to a desired position with respect to the subject, and its head is turned, bent and vertically moved until its nose (i.e., the zoom-lens cylinder) is directed to the subject's face." (Emphasis in original)

Examiner's Response:

While it is true that the robot can be remote-controlled, the robot is also capable of independent movement as exemplified in the following excerpt from the Kuno patent in column 30, starting at line 61: "The wheelchair robot shown in FIG. 27 can have various sensors to achieve self-control, instead of remote control. The signals output by these sensors and the data obtained by processing the image data output by the robot's video camera and representing the position of the robot 5 control the drive mechanisms. Thus controlled, the drive mechanisms cause the robot 5 to walk and move its arms and hands." In addition, the recitations in the present claim do not specify that the robot is self-controlled, but only that the robot possesses "a power control unit for moving the robot toward the detected human," which it clearly has.

Art Unit: 2624

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elisa M. Rice whose telephone number is (571)270-1582. The examiner can normally be reached on 8:00a.m.-5:30p.m. EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571)272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elisa M. Rice *ER* 9/26/2007
Patent Examiner
2624

EMR


BRIAN WERNER
SUPERVISORY PATENT EXAMINER